

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**In re:**

**ROOSEVELT INN, LLC and  
ROOSEVELT MOTOR INN, INC.,**

**Debtors.**

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**Chapter 11**

**Case No. 21-11697 (AMC)**

**JOINTLY ADMINISTERED**

**SAMSUNG FIRE & MARINE INSURANCE CO., LTD. (U.S. BRANCH)’S  
RESPONSE AND RESERVATION OF RIGHTS TO DEBTORS’ MOTION TO  
APPROVE SECOND AMENDED DISCLOSURE STATEMENT**

Samsung Fire & Marine Insurance Co., Ltd. (U.S. Branch) (“***Samsung***”), a party in interest herein, by and through its undersigned attorneys, hereby submits this Response and Reservation of Rights (the “***Response***”) to the Motion (the “***Motion***”) [Doc. Entry Nos. 355 and 433] by the above-captioned debtors (the “***Debtors***”) to approve their proposed Second Amended Disclosure Statement (the “***Disclosure Statement***”) [Doc. Entry No. 438], and in support thereof respectfully states as follows:

1. Samsung issued several general liability insurance policies to Debtors (the “***Samsung Policies***”).<sup>1</sup> Throughout the Debtors’ bankruptcy proceedings, Samsung has worked with Debtors’ counsel to identify, address and resolve various issues that have arisen in connection with Debtors’ proposed treatment of the Samsung Policies and the resolution of the several tort claims asserted thereunder. This includes working with Debtors to resolve Samsung’s potential objections to their proposed plans, including the most recently filed version designated as the

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<sup>1</sup> For additional background concerning the Samsung Policies and their relation to the Debtors and these bankruptcy cases, *see* Samsung’s Objection to Debtors’ Motion to Approve their initial Disclosure Statement [Doc. Entry No. 361].

Second Amended Plan [Doc. Entry 437]. Many, but not all, of these issues have been resolved by the parties.

2. Among the plan issues that have yet to be finally resolved include, but are not limited to, the following:

- a. The ability of the proposed Settlement Trustee under the Second Amended Plan (who will essentially become the insured under the Samsung Policies pursuant to a proposed insurance assignment) to act independently of the tort claimants' representatives who are proposed to dominate a Settlement Trust Advisory Committee;
- b. The post-confirmation jurisdiction of the Bankruptcy Court to hear and determine certain non-core, state law, insurance coverage issues applicable to the various pre-petition state law tort claims asserted against Debtors; and
- c. The Second Amended Plan's proposed "insurance neutrality" provisions which should (but do not yet fully) protect Samsung's state law rights, claims, defenses and remedies under the pre-petition insurance contracts issued to Debtors.

3. Samsung believes that the foregoing issues are properly asserted as plan confirmation objections rather than as disclosure statement objections. Accordingly, Samsung does not object to the approval of Debtors' proposed Second Amended Disclosure Statement. Nevertheless, Samsung hereby reserves all of its rights to object to the confirmation of Debtors' proposed Second Amended Plan and related Plan Documents (and any further amendments or modifications thereto) based upon, but not limited to, any of the foregoing objections.<sup>2</sup>

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<sup>2</sup> It is Samsung's understanding that Debtors are likely to file a Third Amended Disclosure Statement. Samsung reserves all of its rights to object to any further amendments or revisions to the Second Amended Disclosure Statement.



Dated: June 2, 2023

Respectfully Submitted,

WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP

By: /s/ Mark G. Ledwin  
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**CERTIFICATE OF SERVICE**

I, Mark G. Ledwin, hereby certify that on June 2, 2023, I caused a true and correct copy of the foregoing pleading to be served upon all parties in interest herein using the Court's ECF Filing System.

Dated: June 2, 2023

WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP

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